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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/188,827	11/09/1998	JOHN FRANCIS REGAN	56012821-11	4780

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EXAMINER

HAYES, JOHN W

ART UNIT PAPER NUMBER

3621

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/188,827

Applicant(s)

REGAN, JOHN FRANCIS

Examiner

John W Hayes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65-78 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65-78 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Status of Claims

1. Applicant has canceled all previous claims and added new claims 65-78 in the amendment filed 18 February 2004. Thus, claims 65-78 are the only claims that remain pending.

Response to Arguments

2. Upon further consideration of the prior art of record, PROSECUTION IS HEREBY REOPENED. A non-final action on the merits is included below.

Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 26 July 2002 have been approved by the Draftsperson.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 65-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Campbell et al*, U.S. Patent No. 4,774,644 in view of Rose, Jr., U.S. Patent No. 5,521,815

As per **Claim 65**, Campbell et al discloses a transaction processing system comprising a general purpose computer including a memory, CPU and an input/output device and adapted to communicate via a communication channel (Figure 1; Col. 5, lines 45-58), a data repository coupled to the computer (Figure 1; Col. 6, lines 27-32; Col. 7, lines 44-50), wherein the memory

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of the computer includes computer executable means having an application/customer profile module to receive transaction information for a host of financial transactions each of which is associated with a property unit and entails obligations which, if not met, put the transaction in default, the information including information regarding the property unit and store the transaction information in a central repository (Col. 6, lines 3-9 and 47-54; Col. 10, lines 6-11; Col. 13, lines 59-65) and communicate, upon occurrence of a default for a specific transaction, all information contained in the repository related to the transaction relevant to the default (Col. 3, lines 45-50; Col. 10, lines 7-11); and a recovery module for initiating a recovery process (Col. 10, lines 28-40; Col. 20, lines 38-64) and providing automated coordination of the recovery process by computer means using transaction information stored in the central repository, the transaction information being updated to indicate a current status of the transaction, the transaction being associated with a property unit, the transaction information including relevant information regarding the property unit and the recovery process including process stages taken with respect to disposal of the property unit (Figures 13-20; Col. 10, lines 28-40; Col. 20, lines 38-64; Col. 21, lines 16-28; Col. 21 line 67-Col. 22 line 31; Col. 23, lines 7-28).

Campbell et al further disclose wherein multiple remote offices communicate with the system to update the transaction information (Col. 5 line 59-Col. 6 line 13; Col. 11, lines 36-44; Col. 14, lines 18-26; Col. 24, lines 34-51), however, Campbell et al fail to specifically disclose communicating predetermined portions of the transaction information to multiple service providers in response to the transaction information and wherein the multiple service providers are able to update the transaction information. Rose, Jr. discloses a system for verifying and tracking articles of value such as vehicles, boats, land, etc., and teach a centralized data base connected to various authorized agents such as insurance agents and car dealers, and to government agencies such as department of motor vehicles, tax collecting agencies and the National Auto Theft Bureau so that predetermined data on an item can be maintained on a centralized system which is accessible to all who need the information (Abstract; Figure 1A). Rose, Jr. further discloses that the centralized data base is connected to all parties ordinarily involved in transactions relating to the article and further allowing an authorized entity to be responsible for

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tracking of the and issuance of titles related to the article (Col. 5, lines 13-29), wherein a service provider is capable of transmitting and updating transaction data information in the database (Col. 6, lines 55-60; Col. 7, lines 17-38; Col. 8, lines 12-20; Col. 11, lines 45-60; Col. 12 line 65-Col. 13 line 5; Col. 13, lines 53-58) and generating a security interest document (Col. 7, lines 34-38. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Campbell et al and provide automated communications between all service providers involved in a transaction and allow the different service providers to update the transaction information stored in a centralized database as taught by Rose, Jr. Rose, Jr. provides motivation by indicating that this feature would provide a needed centralized data base wherein information from various service providers could be maintained in one central location rather than disparate data bases. Rose, Jr. indicates that this would integrate the information maintained separately by each of those parties in a universal, continual and congruent manner and would ensure that all information is up to date and accurate and that it may be access by various parties (Col. 1, lines 27-38; Col. 2, lines 47-67).

Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd Pat. App. & Inter. 1987). Thus, the structural limitations of claim 60, including a general purpose computer including a memory, a CPU and an input/output device, a data repository and computer executable means having a application/customer profile information input module and a recovery module are disclosed in Campbell et al as described above.

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As per Claim 66, Campbell et al further disclose wherein the computer executable means includes a search/inquiry function which provides communication links to conduct a search of at least one database and stores the results in the data repository as part of the transaction information (Figures 1, 5a, 7; Col. 5, lines 59-64; Col. 6, lines 3-21; Col. 14, lines 31-40).

As per Claim 67, Campbell et al further disclose wherein the computer executable means further includes a registration module which communicates information regarding the transaction to a public authority (Col. 17, lines 20-40).

As per Claims 68 and 71, Campbell et al further disclose wherein the registration module is operable to receive public information associated by the public authority with the transaction and store the public information in the data repository as part of the transaction information, the transaction information including electronic copies of documents related to the transaction and the computer executable means further including a document module which retrieves the copies from the data repository and which generates from the data repository database driven documents relative to the transaction (Col. 13, lines 20-58; Col. 17, lines 18-43).

As per Claim 69, Campbell et al further disclose a payments module providing payment history (Figure 7).

As per Claim 70, Campbell et al further disclose wherein the public authority is an official recording agent (Col. 17, lines 18-43).

As per Claim 72, Campbell et al further disclose an appraisals module for processing appraisal information relating to the property unit and recording relevant appraisal information as part of the transaction information (Figure 19; Col. 23, lines 54-64).

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As per **Claim 73**, Campbell et al fail to disclose an inventory sales module for processing the sale of the property unit. Rose, Jr. discloses a sales module for processing the sale of the property unit (Col. 12, lines 45-55; Col. 13, lines 15-23). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Campbell et al and include a module to process a sale of the property unit, such as a vehicle as taught by Rose, Jr. Campbell et al disclose tracking the delinquency of payments for property, such as a vehicle, and a sales module as taught by Rose, Jr. would be a benefit is assisting the sale of the property when the lender has seized the property.

As per **Claim 74**, Campbell et al further disclose wherein the transaction information includes customer information about a customer associated with the transaction (Figure 9, 14-19), however, fails to specifically disclose providing limited public access to the data repository to search and access information stored therein relating to property units or customers. Rose, Jr. discloses a central database system for storing information related to property units and allows for limited public access to the database to conduct a search (Col. 4, lines 12-20 and 47-50; Col. 5, lines 13-30; Col. 11, lines 45-60). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the method of Campbell et al and allow for limited public access to the database in order to conduct a search in order for authorized users to learn the status of a particular property unit as taught by Rose, Jr.

As per **Claim 75**, Campbell et al fail to disclose wherein the customer information for a particular customer includes information regarding outstanding unit and seizure notices against such customer. However, the differences between the type of information updated and stored are only found in the non-functional descriptive material and are not functionally involved in the steps recited. The storing and updating steps would be performed the same regardless of the descriptive material since none of the steps explicitly interact therewith. Limitations that are not functionally interrelated with the useful acts, structure, or properties of the claimed invention carry little or no patentable weight. Thus, this descriptive material will not distinguish the claimed

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invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to store and update any type of data from a plurality of service providers, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **Claims 76-77**, Campbell et al further disclose a module for extracting information from the data repository relevant to a financial institution that is considering entering into a transaction (Col. 6, lines 3-31; Col. 14, lines 57-68).

As per **Claim 78**, Campbell et al further disclose wherein each of said service providers is assigned a predetermined access status and the computer executable means further includes an access control module which controls access by service providers to the database as a function of the access status (Col. 2, lines 50-56; Col. 8 line 67-Col. 9 line 7; Col. 14, lines 34-40 and 55-56; Col. 15, lines 23-34; Col. 24, lines 45-51).

Conclusion

6. The prior art previously made of record and not relied upon is considered pertinent to applicant's disclosure.

- McCauley et al disclose a method and apparatus for determining an optimal investment plan for distressed residential real estate loans and teach an REO model that considers a projected sales price of the REO property indicating that REO properties are typically disposed of
- Leudders, Dean, R., "Practical REO Management" teaches that effective REO management includes preparing a plan and budget that can provide a road map that assists the management and ultimate sale of the asset

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- Sutton et al, "The Process of REO Management" teach that REO management typically includes establishing a plan for the property including disposing of the REO asset.
- Highbloom discloses a system for monitoring the status of individual items of personal property which serve as collateral for securing financing and teaches a method of recording liens
- Norris discloses a method and apparatus for automatic processing of a loan application and includes a application/customer profile module allowing the applicant to enter information that is stored in a database
- McCauley et al discloses a method and system for processing real estate loans based on loan data including personal data relating to a borrower, financial information relating to the borrower's financial position, and loan conditions.
- Ocwen Financial Corporation, "Ocwen Financial Corporation Forms Technology Subsidiary to Provide Software to Mortgage and Real Estate Industries", discloses an advanced mortgage loan servicing, resolution and origination technology available to third parties through software licenses. The software product includes proprietary loss mitigation and loan default management software systems. The system gives real estate and mortgage servicing professional's electronic access to all of the ancillary services necessary to close a real estate transaction or loan or foreclose on a mortgage loan, saving the user time and money.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Hayes whose telephone number is (703)306-5447. The examiner can normally be reached Monday through Friday from 5:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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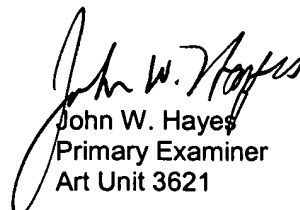
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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
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John W. Hayes
Primary Examiner
Art Unit 3621

March 11, 2004